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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RADEK BARNERT, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

HP INC.,

Defendant.

CASE NO. 5:21-cv-05199-SVK

**JOINT STIPULATION TO EXTEND
BRIEFING SCHEDULE FOR
DEFENDANT'S MOTION TO DISMISS AND
CONTINUE CASE MANAGEMENT
CONFERENCE AND RELATED
DEADLINES PURSUANT TO L.R. 6-2
AS MODIFIED BY THE COURT**

Action Filed: July 6, 2021

Pursuant to Civil Local Rule 6-2, Plaintiff Radek Barnert, and Defendant HP Inc., (collectively, the “Parties”) by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Plaintiff filed his Complaint (the “Complaint”) on July 6, 2021 (Dkt. 1), and served Defendant with the Summons and Complaint on July 8, 2021;

WHEREAS, Defendant filed its Motion to Dismiss on August 30, 2021 (Dkt. 22);

WHEREAS, Plaintiff’s current deadline to file his opposition to Defendant’s Motion to Dismiss is September 13, 2021; Defendant’s reply is due on September 20, 2021; the Initial Case Management Conference (CMC) is set to be heard at 9:30 a.m. on October 12, 2021; and the hearing on the Motion to Dismiss is set to be heard at 10:00 a.m., also on October 12, 2021.

WHEREAS, the Parties met and conferred regarding extending the briefing schedule and continuing the Initial CMC and all related deadlines; *See Declaration of Mark Javitch*, ¶ 4. (“Javitch Decl.”);

WHEREAS, the Parties agree that the Motion to Dismiss hearing should be continued, the motion briefing schedule extended and the Initial CMC continued, along with all related deadlines, as set forth below;

WHEREAS, the Parties have agreed to one prior extension of time in this action. Javitch Decl. ¶ 3. The Parties agree that this stipulation does not waive any right of the parties to agree to or request further extensions in this action.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, pursuant to Civil Local Rule 6-2 and subject to the approval of the Court, that Plaintiff’s Opposition to Defendant’s Motion to Dismiss shall be due by September 27, 2021, Defendant’s Reply to its Motion to Dismiss shall be due by October 18, 2021, and the Initial CMC and hearing on the Motion to Dismiss shall be rescheduled to November 9, 2021. All related case management deadlines also shall be continued as indicated below:

Event	Current Deadline	Proposed Deadline
Opposition to Motion to Dismiss	9/13/2021	9/27/2021
Reply to Motion to Dismiss	9/20/2021	10/18/2021

1 2 3 4 5 6	Last day to: (1) meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; and (2) file ADR Certification signed by Parties and Counsel	9/21/2021	10/19/2021
7 8 9 10 11 12	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement	10/5/2021	11/2/2021
13	Initial CMC	10/12/2021 at 9:30 a.m.	11/9/2021 at 9:30 a.m.
14	Hearing on Motion to Dismiss	10/12/2021 at 10:00 a.m.	11/9/2021 at 10:00 a.m.

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16 Dated: September 9, 2021

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18 By: /s/ Mark L. Javitch
Mark. L. Javitch

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20 ZIMMERMAN LAW OFFICES, P.C.

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22 By: /s/ Thomas A. Zimmerman, Jr.
Thomas A. Zimmerman, Jr.

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25 Attorneys for Plaintiff Radek Barnert and all others
26 similarly situated
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1 Dated: September 9, 2021

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3 By: /s/ Megan O'Neill

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5 Attorneys for Defendant HP INC.

6 The hearing on the motion to dismiss is taken off calendar and will be reset if necessary.

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8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

9 Dated: September 13, 2021

10 By: Susan van Keulen
11 Hon. Susan van Keulen
12 United States Magistrate Judge
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